

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3813 of 1982

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

K S ABIDHUSSAIN SHAIKH & ORS.

Versus

THE COLLECTOR AHMEDABAD DISTRICT & ORS.

Appearance:

None present for Petitioners

MR NN PANDYA for Respondent No. 1 to 4

None present for Respondent No. 5

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 10/07/96

ORAL JUDGMENT

Heard learned counsel for the respondents. In this Special Civil Application before this Court, prayer has been made by the petitioners that by issuance of writ of Mandamus or a writ in the nature of Mandamus or any appropriate direction or order, the respondents may be directed not to remove and/or demolish the cabins of the

petitioners situated at Dehgam, Modasa road, Village Dehgam, Tal. Dehgam, Dist. Ahmedabad. No reply to this Special Civil Application is filed by any of the respondents and as such, the averments made in this Special Civil Application stands uncontroverted.

2. Prayer has also been made for grant of interim relief. This Court has granted interim relief in favour of the petitioners in terms of para X(C), which reads as under:

"Be pleased to issue ad-interim injunction, restraining the Respondents, their agents and servants from removing and/or demolishing the cabins of the petitioners situated at Dehgam Modasa Road, Village Dehgam, Dist. Ahmedabad, till the hearing and final disposal of this petition by this Honourable Court"

3. This Ad-interim relief continues till this date and the Cabins of the petitioners would not have been demolished or removed from the place where they have been installed by the petitioners. This Ad-interim relief remains in operation for all these 14 years and the interest of justice will be met in case this Special Civil Application is disposed of with the directions to the respondents that in case they intend to remove and/or demolish the Cabins of the petitioners, then they may be given a notice and an opportunity of hearing. A decision should be taken only after giving a notice to the petitioners. Rule is made absolute in aforesaid terms with no order as to costs.

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(sunil)